

Notice of Allowability

Application No.

10/541,490

Applicant(s)

JAMES ET AL.

Examiner

Paul C. Martin

Art Unit

1657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 11/08/06.
2. ☒ The allowed claim(s) is/are 1-7 and 10-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>attached hereto</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

Claims 1-7 and 10-19 are pending in this Application and were examined on their merits.

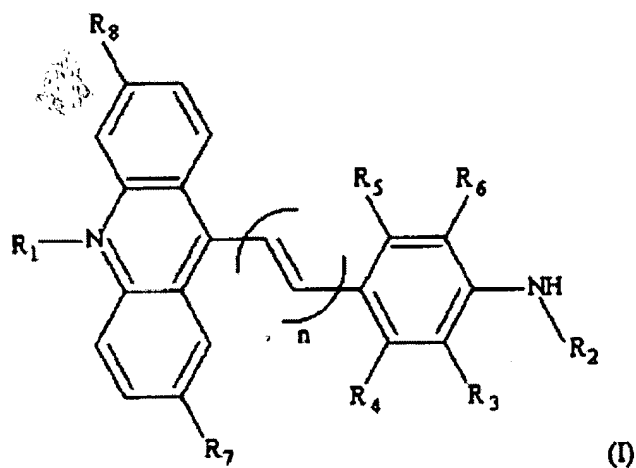
An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joel Armstrong on 02/16/07.

The application has been amended as follows:

IN THE CLAIMS:

1. (Currently Amended) A chromogenic enzyme substrate for ~~detecting amino-peptidase activity in microorganisms or for determining whether at least one bacterium is Gram-positive or Gram-negative, wherein the substrate has~~ with the formula (I) below:



wherein:

R_1 is nothing or an alkyl, allyl or aryl group;

R_2 is at least one amino acid;

R_3 , R_4 , R_5 and R_6 are, independently of one another, H- or O-alkyl;

R_7 is H, O-CH₃, alkyl or halogen;

R_8 is H or Cl; and

n is an integer corresponding to 0 or 1.

11. (Currently Amended) A method for ~~differentiating Gram-positive and~~
detecting Gram Negative bacteria, comprising:

- a) providing a culture medium as claimed in Claim 6;
- b) seeding the culture medium with a biological sample to be tested;
- c) incubating the seeded culture medium; and
- d) visualizing the presence of at least one color synonymous with the presence of at least one bacterium of the Gram-negative type.

15. A method for detecting at least one aminopeptidase activity and at least one enzyme activity different from an aminopeptidase activity in microorganisms Gram-negative bacteria, comprising:

- a) providing a culture medium as claimed in claim 14;
- b) seeding the culture medium with a biological sample to be tested;
- c) incubating the seeded culture medium;
- d) visualizing the presence of at least one aminopeptidase activity; and
- e) visualizing the presence of at least one enzyme activity different from an aminopeptidase activity.

The following is an examiner's statement of reasons for allowance: A search of the prior art discovered no chromogenic enzyme substrates of the Formula described in Formula (I) and the claims were deemed to be free of the Prior Art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim 1-7 and 10-19 are allowed.

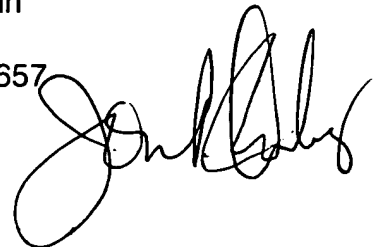
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul C. Martin whose telephone number is 571-272-3348. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

02/16/07

Paul Martin
Examiner
Art Unit 1657

A handwritten signature in black ink, appearing to read 'Jon Weber', with a large, stylized loop at the end.

Jon Weber
Supervisory Patent Examiner